

HONORABLE SALVADOR MENDOZA, JR.

MICHAEL E. McFARLAND, JR., #23000  
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Attorneys for Defendants

IN UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WASHINGTON

CHRISTINE MIKALSON, an individual,

Plaintiff,

vs.

WHITMAN COUNTY, a Washington  
County; EUNICE COKER, an individual,

Defendants.

Case No. 2:18-cv-00141- SMJ

DECLARATION OF  
MICHAEL MCFARLAND IN  
SUPPORT OF JOINT  
MOTION TO CONTINUE

I, Michael E. McFarland, Jr. hereby declare as follows:

1. I am a resident of Spokane, Washington, over the age of 18 years, and competent to testify upon personal knowledge to the facts set forth below. I make the following statements under penalty of perjury according to the laws of the United States.

2. I am the attorney for Defendants in the above-captioned matter.

DECLARATION OF MICHAEL  
MCFARLAND IN SUPPORT OF  
JOINT MOTION TO CONTINUE TRIAL - page 1

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1           3.     The parties have conferred relating to this motion. All parties agree  
2 that good cause exists to grant this motion.  
3

4           4.     Plaintiff Christine Mikalson's deposition commenced on December  
5 19, 2018. During Ms. Mikalson's deposition, she testified to having two "boxes"  
6 of documents that are related to her claims against Defendants in this matter.  
7

8           5.     Counsel for Ms. Mikalson (Spencer Thal) advised me that he had  
9 learned about the documents for the first time shortly before Ms. Mikalson's  
10 deposition, and did not have enough time to have them copied and provided to me  
11 before the deposition. Ms. Mikalson was unable to answer some of my questions  
12 (or at least provide some of the specifics) without referring to her documents,  
13 which she did not have with her. Mr. Thal and I agreed that I should continue  
14 questioning Ms. Mikalson about matters for which she did not need to refer to her  
15 documents, but that we would need to finish Ms. Mikalson's deposition after  
16 those documents were produced. Mr. Thal is going to obtain those documents and  
17 produce them to me as soon as he can.  
18  
19  
20  
21  
22  
23

24           6.     A few hours into her deposition, Ms. Mikalson testified that she was  
25 "worn out" (I believe those were her words) and that she was getting fatigued and  
26  
27  
28

29 DECLARATION OF MICHAEL  
30 MCFARLAND IN SUPPORT OF  
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1 having trouble answering my questions because of the same. We therefore agreed  
2  
3 to call it a day and adjourn the deposition.

4 7. Ms. Mikalson is asserting that she was continually harassed and  
5  
6 discriminated against for many years by Ms. Coker, and that Ms. Coker denied  
7 Ms. Mikalson's FMLA requests in excess of 100 times (allegations that Ms.  
8  
9 Coker denies). Given the time period involved, and the number of allegations Ms.  
10 Mikalson is alleging against my clients, there is a lot of information to cover with  
11  
12 Ms. Mikalson.

13 8. Ms. Mikalson has a number of medical conditions for which she  
14  
15 takes a number of medications. As noted above, she fatigued fairly easily at her  
16  
17 deposition and was not able to make it past lunch. Based upon the same, I am not  
18  
19 confident that we will be able to complete Ms. Mikalson's deposition in one more  
20  
21 sitting. We will of course accommodate Ms. Mikalson to assure that she does not  
22  
23 get fatigued or "worn down," even if it means breaking her deposition up into  
24  
25 several additional sessions.

26 9. Mr. Thal has advised me that he wants to depose Ms. Coker and  
27  
28 Whitman County (per FRCP 30(b)(6)). Mr. Thal and I have compared calendars

29 DECLARATION OF MICHAEL  
30 MCFARLAND IN SUPPORT OF  
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1 between now and February 22, 2019, and we do not have open dates that line up  
2  
3 for these depositions, or the completion of Ms. Mikalson's deposition.

4 10. The parties have agreed to mediate this case. The parties would like  
5  
6 to mediate before the depositions of Ms. Coker, Whitman County and Ms.  
7 Mikalson. The parties would like to have the time and ability to focus on  
8  
9 resolution without having other pending deadlines that would distract from the  
10 focus of trying to resolve this case. Given counsels' respective calendars and the  
11  
12 availability of mediators, we suspect that mediation cannot get scheduled until  
13 March or April. The parties are therefore respectfully requesting that the Court  
14  
15 continue all of the pending deadlines for at least six months to give the parties the  
16 opportunity to try to resolve this case.

17  
18 11. If the Court grants this motion, and if the Court so desires, the  
19 parties will submit a report identifying available dates for trial.

20  
21 I declare under penalty of perjury under the laws of the United States that  
22 the foregoing is true and correct.  
23

24 DATED this 21<sup>st</sup> day of December, 2018 at Spokane, Washington.

25  
26  
27 s/ Michael E. McFarland, Jr.  
MICHAEL E. MCFARLAND, JR.

28  
29 DECLARATION OF MICHAEL  
30 MCFARLAND IN SUPPORT OF  
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**CERTIFICATE OF SERVICE**

I hereby certify that on December 21, 2018, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following:

**Counsel for Plaintiff**

Spencer Nathan Thal

Vanguard Law

P.O. Box 939

Poulsbo, WA 98370

Email: [spencer@vanguardlawfirm.com](mailto:spencer@vanguardlawfirm.com)

s/ Michael E. McFarland, Jr.

MICHAEL E. McFARLAND, #23000

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